

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b>Case No. 4:07CR0511 JCH/TCM</b>
	)	
<b>DENISE HARDY, DPM, and</b>	)	
<b>SOUTH ST. LOUIS ORTHOPEDIC</b>	)	
<b>GROUP, INC.,</b>	)	
	)	
<b>Defendants.</b>	)	

**REPORT AND RECOMMENDATION  
OF UNITED STATES MAGISTRATE JUDGE**

In accordance with the Memorandum filed herein,

**IT IS HEREBY RECOMMENDED** that Defendants' Motions to Dismiss Count I for Duplicity [Docs. 20 and 24] should be **DENIED**.

**IT IS FURTHER RECOMMENDED** that Defendant Hardy's Motion to Dismiss Counts I and II because they are multiplicitous [Doc. 24] should be **DENIED**.

**IT IS FURTHER RECOMMENDED** that Defendant Orthopedic Group's Motion to Strike Surplusage [Doc. 21] should be **DENIED**.

The parties are advised that they have eleven (11) days in which to file written objections to this Recommendation and the Memorandum incorporated herein pursuant to 28 U.S.C. § 636(b)(1), unless an extension of time for good cause is obtained, and that failure to file timely objections may result in waiver of the right to appeal questions of fact.

See Thompson v. Nix, 897 F.2d 356 (8th Cir. 1990).

/s/ Thomas C. Mummert, III  
THOMAS C. MUMMERT, III  
UNITED STATES MAGISTRATE JUDGE

Dated this 26th day of October, 2007.